

April 2 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. \_\_\_\_\_

JOSEPH WILLIAM DOYLE and )  
 VIRGINIA CITY BUILDING )  
 CORPORATION, a Montana )  
 Corporation, )

## NOTICE OF APPEAL

Plaintiffs/Appellants, )  
 )  
 )

v. )  
 )  
 )

MICHAEL V. B. CLARK, RALPH )  
 HAMLER, individually and as agent of )  
 Madison County, and MADISON )  
 COUNTY, a subdivision of the State of )  
 Montana, )  
 )

Defendants/Appellees. )  
 )  
 )

FILED

APR 02 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOTICE is given that Joseph William Doyle and Virginia City Building Corporation, the Appellants above-named and who are the plaintiffs in that cause of action filed in the Fifth Judicial District, in and for the County of Madison as Cause No. DV 29-06-62, hereby appeal to the Supreme Court of the State of Montana from the jury verdict entered in such action on the 11<sup>th</sup> day of March, 2010.

**THE APPELLANT FURTHER CERTIFIES:**

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.

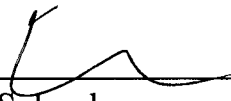
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 1<sup>st</sup> day of April, 2010.

  
\_\_\_\_\_  
Terry F. Schaplow  
Attorney for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Ed Smith  
Clerk of the Supreme Court  
PO Box 203003  
Helena, MT 59620-3003

Clerk of the Court  
Madison County District Court  
P.O. Box 185  
Virginia City, MT 59755

Richard Larson  
Harlen, Chronister, Parish & Larson, P.C.  
P.O. Box 1152  
Helena, MT 59624-1152

Thomas R. Scott  
Attorney at Law  
P.O. Box 482  
Dillon, MT 59725

Robyn Morstein  
Court Reporter  
320 North Parkview  
Dillon, Montana 59725

DATED: March 31, 2010.



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Terry F. Schaplow  
1700 West Koch, Suite 11  
Bozeman, Montana 59715  
Attorney for Appellant

TERRY F. SCHAPLOW, P.C.  
1700 West Koch, Suite 11  
Bozeman, Montana 59715  
(406) 587-2767  
Fax: (406) 586-4922  
tfschaplow@imt.net  
Attorney for Plaintiffs

**FILED**  
APR 02 2010  
*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

MONTANA FIFTH JUDICIAL DISTRICT COURT, MADISON COUNTY

JOSEPH WILLIAM DOYLE and VIRGINIA,  
CITY BUILDING CORPORATION, a Montana  
Corporation,

Plaintiffs,

v.

MICHAEL V. B. CLARK, RALPH HAMLER,  
individually and as agent of Madison County, and  
MADISON COUNTY, a subdivision of the State  
of Montana,

Defendants.

Cause No. DV-29-06-62

**NOTICE OF TRANSCRIPTS  
DEEMED NECESSARY FOR  
APPEAL**

Notice is hereby given that Joseph William Doyle and Virginia City Building Corporation, the Appellants in the above-named case, hereby determine that the following transcripts are necessary for appeal:


1. Opening Statements
2. Closing Arguments
3. Trial Proceedings (all testimony, in-chambers discussions, and jury verdict)

The court reporter responsible for the preparation of these transcripts is Robyn Morstein, 320 North Parkview, Dillon, Montana 59725.

It is further certified that financial arrangements were made with the court reporter before filing this Notice.

DATED: April 1, 2010.

TERRY F. SCHAPLOW, P.C.

By   
Terry F. Schaplow  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

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PO Box 203003  
Helena, MT 59620-3003


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Attorney at Law  
P.O. Box 482  
Dillon, MT 59725

Robyn Morstein  
Court Reporter  
320 North Parkview  
Dillon, Montana 59725

DATED: April 1, 2010.

  
Terry F. Schaplow  
1700 West Koch, Suite 11  
Bozeman, Montana 59715  
Attorney for Appellant